IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A.S
Writ Petition No.47l of 2005

Bhaskar Motiram Birari ..Petitioner
vs
Union of India and ors..Respondents

Mr Tejas Dande for petitioner
Mr V.P.Malvankar AGP for State

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ

Dated 13.6.2005

P.C:

. Heard advocates.

. The petitioner was an employee of the respondent no.4 Agricultural University and on completing 58 years he was made to retire on 3l.l.2005. The petitioner is claiming that he is entitled to continue till attaining the age of 60. His claim is solely based on OM issued by the Government of India dated 3l.l0.2003. It is now settled law that the recommendations of UGC/ICAR are recommendatory in nature and not mandatory on the State Government and, therefore, on that basis no right is vested on the employee to claim enhancement in the age of retirement. The State Government can accept UGC payscales scheme as a whole or part of it. The nature of such recommendations is not mandatory . See T.P.George and ors vs. State of Kerala and

ors, l992(Supp (3) SCC l9l.

. While making revised UGC payscale applicable to the academic staff of the agricultural universities vide Government Resolution dated 30.l2.l999 it is specifically mentioned that the superannuation age of its employees will be 58 years.

. By section 28 Chapter IV of the Maharashtra Agricultural Universities Act, l983 the service conditions of all the employees of the Agricultural Universities are governed and determined by the Maharashtra Agricultural Universities Statues, l990. Statute l38 provides that the provisions of Maharashtra Civil Services Rules (All Parts) are applicable to employees of the Agricultural Universities. As per rule l0 of the Maharashtra Civil Services Rules(Pension) Rules, l982 the age of superannuation is 58 years and the same is applicable to the employees of the Agricultural Universities.

. In the above circumstances, prayer made by the petitioner cannot be accepted. Petition is dismissed.